

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R45065	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/AT2005/000066	International filing date (day/month/year) 01.03.2005	Priority date (day/month/year) 08.03.2004
International Patent Classification (IPC) or national classification and IPC B41K1/40, B41K1/56		
Applicant COLOP STEPELERZEUGUNG SKOPEK GESELLSCHAFT M.B.H. & CO. KG.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of _____ sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2005/000066

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-5 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-7 _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2, 2/2 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2005/000066

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-7	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-7	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Inventive step:

1. The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 and of dependent claims 2 to 7 does not involve an inventive step within the meaning of PCT Article 33(3).

2. Claim 1:

Document D1 (= WO-A-00/48843), which is considered to be the closest prior art, discloses (cf. the entire document) a self-inking hand stamp, from which the subject matter of claim 1 only differs in that it comprises:

"a receiving compartment [...] which is used to maintain at least one additional ink pad".

The receiving depression "17" expressly referred to in document D1 is considered here to be a disclosure of the "receiving compartment" feature mentioned in

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2005/000066

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

the present claim 1. The different wording on its own does not imply any technical difference recognizable to a person skilled in the art with respect to any special dimensions of this component.

Document D2 (=US-A-1 369 512), cf. page 1, line 55 to page 2, line 31 and figure 2, describes, with respect to this feature, the same advantages as the present application. A person skilled in the art would therefore consider the inclusion of this feature in the self-inking hand stamp described in document D1 to be a routine design measure for solving the problem of interest.

In view of the problem described in the introduction to the description, it is obvious to a person skilled in the art also to transfer the dimensions, provided for receiving an additional ink pad, of the receiving compartment, integrated in the handle of the hand stamp, according to document D2 to the receiving compartment, likewise integrated in the handle of the hand stamp, according to document D1. The description in lines 8 to 16 on page 1 of document D2 also expressly mentions the problem, also referred to in the statement of the problem of the present application, encountered by a user wishing to replace elements of a hand stamp quickly and easily. The receiving compartment described in document D2, e.g. figure 2, in the actuating element of the hand stamp, is clearly recognizable to a person skilled in the art as being suitable for receiving an ink pad.